

**Filed 3/26/03 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2003 ND 40

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Jessie W. Wilson, Jr.,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

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No. 20020353

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Appeal from the District Court of Barnes County, Southeast Judicial District,  
the Honorable John T. Paulson, Judge.

AFFIRMED.

Per Curiam.

Jessie W. Wilson, Jr., pro se, Bismarck Transition Center, 20001 Lee Avenue,  
Bismarck, ND 58504. Submitted on brief.

H. Jean Delaney, Assistant State's Attorney, Courthouse, 230 4th St. N.W.,  
Room 303, Valley City, ND 58072-2947, for respondent and appellee. Submitted on  
brief.

**Wilson v. State**

**No. 20020353**

**Per Curiam.**

[¶1] Jessie W. Wilson, Jr. appealed a district court judgment<sup>1</sup> summarily dismissing his applications for post-conviction relief.

[¶2] In January 2001, Wilson unconditionally pled guilty to conspiracy to manufacture a controlled substance. Wilson filed a document titled “Motion to Dismiss” in October 2002, asking the district court for post-conviction relief and a new trial, and he later filed a document titled “Application for Post-Conviction Relief.” The State and the court treated both documents as applications for post-conviction relief. Wilson’s first application asserted “several errors ha[d] occurred” in the preliminary hearing; in his second application, he asserted his counsel failed to zealously represent him. Responding to the State’s renewed motion to dismiss his applications, Wilson also claimed ineffective assistance of counsel because his attorney failed to file a direct appeal as Wilson allegedly requested. The court denied Wilson’s applications for post-conviction relief, characterizing his motions as “frivolous and without merit.”

[¶3] We affirm the district court’s judgment under N.D.R.App.P. 35.1(a)(1) and (6).

[¶4] Gerald W. VandeWalle, C.J.  
Dale V. Sandstrom  
William A. Neumann  
Mary Muehlen Maring  
Carol Ronning Kapsner

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<sup>1</sup> Wilson’s notice of appeal states he is appealing from the “Order Denying Post-Conviction Relief,” entered on December 13, 2002. Reviewing the record, it appears Wilson is referring to the district court’s memorandum opinion. We consider an attempted appeal from an order for judgment or a memorandum decision an appeal from a subsequently entered consistent judgment. See, e.g., Davis v. State, 2001 ND 85, ¶ 1 n.1, 625 N.W.2d 855. Because a subsequently entered judgment consistent with the district court’s memorandum decision was entered, we treat this appeal as from the judgment.